

Joint Session

(To hear an address by Honorable Luther H. Evans.)

At 11:00 o'clock a.m., the President announced that the hour heretofore fixed for a Joint Session of the Senate and House of Representatives to hear an address by Honorable Luther H. Evans, Librarian of Congress, had arrived and requested the Senators to repair in a body to the Hall of the House.

The President pro tempore and Members of the Senate, escorted by Honorable Garland Smith, Secretary of the Senate, proceeded in a body to the Hall of the House and were duly announced and escorted to seats reserved for them along the center aisle.

President pro tempore Vick, by invitation of the Speaker, occupied a seat on the Speaker's stand, and called the Senate to order.

The Speaker, Honorable Pierce Johnson presiding, called the House to order.

Honorable Luther H. Evans, Librarian of Congress, accompanied by Governor Beauford H. Jester, Mr. and Mrs. G. W. Evans, Mrs. Alice McCreery, parents and sister of Mr. Evans, and Mr. J. R. Turner were announced at the bar of the House and were escorted to the Speaker's stand by Senators Moore, McDonald, Corbin, Martin and Bracewell, on the part of the Senate, and Representatives Whitworth, Niemann, Blount, McLellan and Chambers, on the part of the House.

The Speaker presented Governor Beauford H. Jester who introduced Mr. Evans to the Joint Session.

Mr. Evans then addressed the Joint Session.

At the conclusion of the address, the President pro tempore announced that the business of the Joint Session had been concluded and declared the Senate adjourned until 10:30 o'clock a.m. Monday, April 11, 1949, in accordance with a motion heretofore adopted by the Senate.

FORTY-FIFTH DAY

(Monday, April 11, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and

was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Shofner, and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal approved.

Reports of Standing Committees

Senator Ashley submitted the following report:

Austin, Texas,
April 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 434, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the bill do pass and be printed.

ASHLEY, Chairman.

Senator Tynan submitted the following report:

Austin, Texas,
April 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 425, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the bill do pass and be printed.

TYNAN, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
April 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 592, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senate Bill 441 on First Reading

Senator Lane moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lane:

S. B. No. 441, A bill to be entitled "An Act to fix the rate of tax to be levied for school purposes in all common school districts in counties which according to the last preceding Federal Census, having a population of not less than fifty-five thousand (55,000) and not more than sixty-one thousand (61,000), and having a valuation for tax purposes of exceeding Seventy-five Million Dollars (\$75,000,000), and which common school districts now levy a total tax of One Dollar and Fifty Cents (\$1.50) per Hun-

dred Dollars of assessed valuation of taxable property for maintenance purposes and bond interest and sinking fund purposes; to levy and collect additional maintenance taxes; providing for elections to authorize such tax levies; and declaring an emergency."

To Committee on Counties and County Boundaries.

(President in the Chair.)

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 39: Inviting Governor Raul Lopez Sanchez to address a joint session of the Senate and House of Representatives, at 11:00 o'clock a.m., Monday, April 11, 1949.

H. C. R. No. 64, In memory of Mr. Herman Diezi.

H. B. No. 114, A bill to be entitled "An Act authorizing the Texas Agricultural Experiment Station of the Texas Agricultural and Mechanical College System to transfer the Field Laboratory for Agricultural Research from its present location near San Antonio in Bexar County to the Main Station at College Station, Texas, and to sell the State property including the 10 acres of land, buildings, and improvements thereon and to use the proceeds for re-establishing the Laboratory at College Station; and declaring an emergency."

H. B. No. 120, A bill to be entitled "An Act placing all State parks and all State historical parks, now under the control and custody of the State Board of Control, except the San Jacinto State Park, the San Jacinto Memorial Tower and the Battleship Texas, under the control and custody of the State Parks Board, under the authority conferred upon the State Parks Board by existing laws; providing that all laws which are in conflict, in whole or in part with this Act, are hereby repealed, including Articles 677, 6074, 6075, 6076, 6077, 6077a, 6077m and 6077i, of the Revised Civil Statutes of Texas;

providing for the transfer of all appropriations made for the historical parks to the State Parks Board; and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act amending Sections 17, 17(a) and 18 of Chapter 290, Acts of the Forty-first Legislature, Regular Session, in 1929, as amended by Chapter 57, Acts of the Forty-fourth Legislature, Regular Session, in 1935, and further amended by Chapter 69, Acts of the Forty-fifth Legislature, Regular Session, 1937, same being Sections 17, 17(a) and 18 of Article 2815h, Vernon's Annotated Civil Statutes, governing the creation of Junior College Districts; amending these Sections so as to authorize the creation of a Junior College District composed of contiguous School Districts within the same County or within two or more Counties; and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act to amend Chapter 231 of the Acts of the Regular Session of the Fortieth Legislature in 1927, relative to the approval of subdivision plats within the corporate limits or within five miles of the corporate limits, of certain cities so as to provide that the benefits and the terms thereof shall extend to all cities; and declaring an emergency."

H. B. No. 174, A bill to be entitled "An Act amending Article 2654b-1, Chapter 9A, Title 49, of Vernon's Annotated Civil Statutes of 1925, the same being Acts, 1933, Forty-third Legislature, First Called Session, Page 10, Chapter 6; as amended by Acts of 1943, Forty-eighth Legislature, Page 568, Chapter 337, as amended by Acts, 1945, Forty-ninth Legislature, Page 552, Chapter 338, authorizing the governing boards of the several State institutions of collegiate rank to exempt certain persons who have served in the Armed Forces of the United States from payment of certain dues, fees, and charges, with certain exceptions; authorizing the refund of such fees to students who have paid same for the term of 1948-1949; and to issue scholarships to the highest ranking graduate of accredited high schools, exempting said graduates from the payment of dues, fees, and charges, with certain exceptions; providing that all benefits provided in this Act shall apply and accrue to nurses, members

of the Women's Army Auxiliary Corps, Women's Auxiliary Volunteer Emergency Service, and all other members of the United States Armed Forces who served not less than ninety (90) days during World War II, provided such persons were honorably discharged, provided further that the benefits of this Act shall apply to the children, widows or wives of such members who were killed in action or died while in service, or following honorable discharge, may die or become totally disabled, with certain exceptions; defining total disability; providing for repeal of laws in conflict; containing severable and savings clauses; and declaring an emergency."

H. B. No. 211, A bill to be entitled "An Act amending Chapter XXXIII, Acts of the Twenty-sixth Legislature, Regular Session, 1899, so as to provide for the selection of Judges of the Corporation Courts in cities heretofore or hereafter incorporated under or adopting or amending their Charters under Article 11, Section 5, of the Constitution of the State of Texas, in the manner specified in the Charters of such cities; validating the selection of the present Judges of such Courts; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 229, A bill to be entitled "An Act amending Article 1302, Revised Civil Statutes, 1925, by adding a new section to provide that corporations may be created for the purpose of owning, operating and maintaining dehydrating plants and processing plants for certain purposes, and declaring an emergency"

H. B. No. 234, A bill to be entitled "An Act to amend Section 45 of Senate Bill 111, Chapter 61, page 100 of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

H. B. No. 239, A bill to be entitled "An Act changing the name 'Eleemosynary Institutions,' given to various State institutions, to 'Texas State Hospitals and Special Schools'; providing a changed meaning of the name 'Eleemosynary Institutions'; or any reference thereto, wherever such name or reference appears in the Revised Statutes of Texas of 1925, or any amendment thereto, or in any acts of any Legislature passed since the adoption of said revised stat-

utes; ratifying and confirming in behalf of the Texas State Hospitals and Special Schools all Legislative Acts and Appropriations heretofore passed in behalf of the Eleemosynary Institutions or Texas State Hospitals and Special Schools; and declaring an emergency."

H. B. No. 248, A bill to be entitled "An Act to amend Article 6268 of the Revised Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 297, A bill to be entitled "An Act amending Section 3 of Chapter 88, General Laws, Second Called Session, 41st Legislature, as amended by Section 1 of Chapter 3, General Laws, Second Called Session of the 43rd Legislature, as amended by Section 1 of Chapter 51 of the General Laws, Regular Session, 44th Legislature, so as to exempt motor vehicles, trailers, and semitrailers, owned and used exclusively in the service of any political subdivision of a county from the payment of license or registration fees to the State of Texas; and declaring an emergency."

H. B. No. 307, A bill to be entitled "An Act validating the consolidation of certain common and independent school districts where a majority of the qualified voters of each of the affected districts approved such consolidation at an election held for such purposes; validating the bonds of such consolidation districts and the proceedings had authorized same after such attempted consolidation; providing such validation shall not apply to districts now in litigation; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 315, A bill to be entitled "An Act to amend Sec. 3 and 5 of Chapter 352, Acts of the Regular Session of the 50th Legislature and carried in the Revised Civil Statutes as Article 6288a, reducing the minimum years of Creditable Service to be eligible for retirement benefits."

H. B. No. 335, A bill to be entitled "An Act authorizing the Commissioners' Courts of any County to establish, maintain and operate a law library for such county, to provide funds therefor, to receive gifts or bequests therefor, to employ a custodian or custodians of such library, to require a bond or bonds of such custodian or custodians, to make all orders, rules and regulations neces-

sary or proper for the establishment, maintenance and operation of such library, providing for the depositing of such funds with the county treasurer, or other official discharging such duty, and the separation of such funds as a special fund, providing for the establishment and payment of claims on account of such library, and repealing all other laws or parts of laws in conflict herewith."

H. B. No. 341, A bill to be entitled "An Act amending Chapter 107, page 142, Section 1, Acts of the 47th Legislature, and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act authorizing counties to lease their county hospital, provided the commissioners' court of such county, by an order entered in the minutes, finds that it is to the best interest of the county to lease such hospital; and provided further that prior to the provisions of such order becoming effective, such commissioners' court shall fix a time and place for a public hearing upon such question and shall issue notices of such public hearing; providing for the submission of such question to a referendum vote in event a petition is submitted bearing the signatures of ten per cent of the voters of said county; enacting provisions incident and relating to the subject; providing that if any provisions of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith to the extent of such conflict and declaring an emergency."

H. B. No. 350, A bill to be entitled "An Act to validate the charters and incorporations of all cities and towns whose charters may be void by reason of failure to properly define their limits, or that may have included in such limits more territory than was provided for in Article 971, Revised Civil Statutes of 1925; validating such charters and incorporations the same as if such territorial limits had at first been properly established and the superficial areas authorized; providing a savings clause; and declaring an emergency."

H. B. No. 353, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas by adding to said article a new subdivision authorizing the formation of private corporations for the purpose

of owning and operating public scales; and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act to amend Subsection R of Section 1 and Subsection 2 of Subsection B of Section 5 of Article 6228a of Title 109, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 370, A bill to be entitled "An Act defining the qualifications of the Superintendents of the Texas School for the Blind and the Texas School for the Deaf; providing for removal of same for good cause; defining good cause; making said Superintendents employees of the State Board of Control; and declaring an emergency."

H. B. No. 372, A bill to be entitled "An Act creating a special road law for Presidio County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1949, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all Acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

H. B. No. 386, A bill to be entitled "An Act repealing House Bill No. 137, Chapter 62, Acts of the 45th Legislature, Second Called Session, 1937; repealing H. B. No. 1059, Chapter 58, Special Laws, Acts of the 46th Legislature, Regular Session, 1939; and repealing in part and amending Chapter 123, Acts of the 48th Legislature, Regular Session, 1943, by eliminating therefrom the license provision; and declaring an emergency."

H. B. No. 404, A bill to be entitled "An Act amending Article 2093-C, Revised Civil Statutes of 1925, which said Article is further known as Acts of 1941, 47th Legislature, Page 156, Chapter 118, Section 1, as amended, providing for the creation of the po-

sition of assignment clerk for all counties having at least eight District Courts, two of which are Criminal Courts, and at least four County Courts, of which two are County Courts at Law and one is a County Criminal Court, providing for the appointment of such clerk and for duties and salary, and declaring an emergency."

H. B. No. 419, A bill to be entitled "An Act providing for the appointment of official court reporters in and for the County Courts at Law and the County Criminal Courts in counties in which there now exists, or may hereafter be created, two or more County Courts at Law and one or more County Criminal Courts; providing the qualifications; providing that the salary of each of said court reporters shall be the same as the salary of the official court reporters of the District Courts of the respective county; providing for the manner of payment of such salaries; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 433, A bill to be entitled "An Act to make the provisions of the Acts of 1945, 49th Legislature, Page 122, Chapter 855 (Vernon's Annotated Civil Statutes Article 3912 (e)4a) applicable to all counties having a population of three hundred fifty five thousand or more according to the last preceding or any future federal census; further providing that the provisions of this bill shall not be construed as limiting or repealing the provisions of House Bill 324, or any other laws relating to counties having a population of five hundred thousand or more according to the last preceding federal census, except as herein expressly provided, and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act providing for a Board of Park Commissioners for the equipping, operation and maintenance of public parks owned by certain counties, and providing for the delegation of those counties to such board of control of such parks; and declaring an emergency."

H. B. No. 462, A bill to be entitled "An Act to amend Article 977 of the Revised Civil Statutes of Texas of 1925 and Article 999 by adding Ar-

ticle 999a; allowing the Governing body of any city less than 5,000 and more than 3,000 to dispense with the office of City Marshal; allowing the governing body of such cities to appoint a City Police Officer; providing a savings clause; and declaring an emergency."

H. B. No. 468, A bill to be entitled "An Act to validate the creation of the Port Lavaca Independent School District by the annexation of certain independent and common school districts of Calhoun County, Texas, thereto by an election under Article 2922 and 2922c Vernon's Civil Statutes of Texas under an order or orders of the County School Trustees calling for a Rural High School Election; validating all acts, orders, elections and proceedings thereof; defining the boundaries of such district, extending the same over the Gulf tidal areas within said County; validating the bonds and tax levies thereof; changing the name thereof to the 'Calhoun County Independent School District'; providing its powers and duties; providing for the vesture, control, management and disposition of all property, real and personal, with sale thereof subject to Article 2773 Vernon's Civil Statutes of Texas; providing for the election and tenure of the trustees of county wide election with residential qualifications; defining Trustee Districts; validating and authorizing the rates, levy, assessment and collection of taxes; providing that such act shall not validate in the event of suits heretofore filed or hereafter filed within 45 days from the effective date of the Act; providing a savings clause; and declaring an emergency."

H. B. No. 470, A bill to be entitled "An Act validating annexation proceedings in cities operating under the General Laws of Texas, having a population in excess of Five Thousand (5,000) inhabitants, according to the last preceding Federal Census; authorizing such cities to levy, assess and collect taxes in annexed areas; providing this Act shall not apply to any city now involved in litigation or in which annexation of territory to such city is attacked in litigation within forty-five (45) days after the effective date of this Act; and declaring an emergency."

H. B. No. 475, A bill to be entitled "An Act providing for the employment of Assistant County Attorneys and Secretaries to County Judges by the Commissioners' Courts of certain counties, fixing their salaries; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act amending Section 6 of H. B. No. 87, Ch. 283, Acts of the R. S. of the 40th Legislature, 1927, page 424, providing for notice of hearings of the Zoning Commission; and declaring an emergency."

H. B. No. 509, A bill to be entitled "An Act validating and declaring to be negotiable instruments certain seawall bonds heretofore issued by counties and cities bordering on the coast of the Gulf of Mexico and all renewals and refundings thereof originally acquired from the issuers by the United States government and its agencies; validating all proceedings for the issuance of refunding bonds in lieu thereof and for their security and payment and the pledge of operating revenues therefor, and validating the refunding bonds when issued; providing for subsequent refundings; providing that no securities shall be validated by this Act the validity of which is being directly attacked in pending litigation; prescribing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

H. B. No. 590, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of Texas 1925, as amended by Act of the 50th Legislature, Chapter 326, page 560, so as to provide for County Juvenile Boards in counties having a population of eighty thousand (80,000) and less than eighty-four thousand (84,000) inhabitants according to the last preceding Federal Census, and providing for salaries for their members; providing a savings clause and declaring an emergency."

H. B. No. 593, A bill to be entitled "An Act to amend Chapter 1, Title 46 of the R. C. S. of Texas, 1925, as the same has been amended, by amending Articles 2461, 2462, 2464, 2465, 2468, 2469, 2470, 2471, 2477, and 2484 thereof, and by adding thereto an article to be numbered

Article 2484b; containing a severability clause, and declaring an emergency."

H. B. No. 610, A bill to be entitled "An Act to authorize certain cities to acquire, improve, maintain and operate facilities for the generation of hydro-electric power and to finance such acquisition and improvement through the issuance of negotiable bonds payable from the revenues of such facilities; authorizing such cities to sell the electricity generated by such facilities and to enter into contracts in that connection; and declaring an emergency."

H. B. No. 613, A bill to be entitled "An Act to amend Articles 688, R. C. S. of Texas, 1925, as amended by the Acts of the R. S. of the 42nd Legislature, 1931, Chap. 206, page 339, so as to require the heads of departments of government to submit budgets to the State Board of Control at certain times; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 699, A bill to be entitled "An Act to amend Section or subdivision 3 of Article 7 of Chapter V of House Bill No. 79, Chapter 97 of the 48th Legislature, R. S.; and declaring an emergency."

H. B. No. 703, A bill to be entitled "An Act to fix the salaries of official shorthand reporters in courts in any county constituting in itself a judicial district and now or hereafter having therein not less than six and not more than nine permanent district courts, including both civil and criminal district courts; providing for the payment thereof; providing a savings clause; repealing all laws and parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

H. B. No. 706, A bill to be entitled "An Act to permit the Commissioners' Court to establish an automobile car allowance for Grand Jury Bailiffs; and creating an emergency."

H. B. No. 709, A bill to be entitled "An Act providing for the appointment of Court Bailiffs of District Criminal, District and County Courts in counties having a population of 350,000 inhabitants, or more, according to the last preceding or any future Federal Census; providing their

Compensation and manner of payment thereof; providing that such bailiffs shall have the same authority as sheriffs to make arrests anywhere in the County where they are appointed and to serve anywhere in said County Warrants, Capiases, Subpoenas in all Criminal Cases, and all other processes Civil or Criminal in Cases issued by any District Court, County Court or Justice Court in the State; providing such bailiffs shall be under the sole Authority and direction of the Judge appointing them; repealing all laws and parts of laws in conflict and declaring an emergency."

The House has granted the request of the Senate for a conference committee on S. B. 104.

The following have been appointed on the part of the House: Willis of Tarrant, Fly, McGregor, Caven, Flanagan.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Senate Bill 442 on First Reading

Senator Harris moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31—

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

By Senator Harris:

S. B. No. 442, A bill to be entitled "An Act to amend Section 1 (e) of Senate Bill No. 357, Acts of 1943, 48th Legislature, Chapter 295, page 436,

providing for payment of an annual occupation tax and other maintenance fees, charges and taxes by Mexican Insurance Companies writing automobile, accident and other insurance coverage in the State of Texas effective only in the Republic of Mexico, and providing for the making of annual adapted reports; repealing all laws and parts of laws to the extent of any conflict and declaring an emergency."

To Committee on Insurance.

Committee To Escort Governor Raul Lopez Sanchez To Joint Session

Pursuant to the provisions of S. C. R. No. 39, the President announced the appointment of the following committee on the part of the Senate to escort Governor Raul Lopez Sanchez to the joint session at 11:00 o'clock a.m. today:

Senators Phillips, Kelley of Hidalgo, Cousins, Strauss and Bracewell.

(President pro tempore in the Chair)

Presentation of Sweetheart and Mascots of the Senate

At the request of the President pro tempore, Kerry Ross Kelly, sweetheart of the Senate, William Bonner Hudson and David Allen Shofner, mascots of the Senate, accompanied by Senator and Mrs. Kelly, Keith Kelly, Jr., Senator and Mrs. Hudson, Senator Shofner and his aunt, Mrs. R. E. Miller and Mrs. Beauford Jester were escorted to the President's stand.

The President pro tempore then presented Miss Kerry Ross Kelly, Masters David Allen Shofner and William Bonner Hudson to the Senate.

Joint Session

(To hear an address by Governor Raul Lopez Sanchez.)

At 11:00 o'clock a.m. the President announced that the hour heretofore fixed for a Joint Session of the Senate and the House of Representatives to hear an address by Honorable Raul Lopez Sanchez had arrived.

Accordingly, the President of the Senate and Senators present proceeded to the Hall of the House of Representatives at 11:00 o'clock a.m.

The Senators were announced and were admitted and escorted to seats already prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's rostrum.

The President called the Senate to order, and announced a quorum of the Senate present.

Hon. Durwood Manford, Speaker of the House, called the House to order, and announced the purpose of the Joint Session and requested members of the House to register.

A quorum of the House was announced present.

Honorable Raul Lopez Sanchez, Governor of the State of Coahuila, and party, accompanied by Governor Beauford H. Jester, were escorted to the Speakers' rostrum by Senators Phillips, Kelley of Hidalgo, Strauss, Cousins and Bracewell on the part of the Senate, and Representatives Vale, Jameson, Kilgore, Kazen, Ivey and Murray on the part of the House.

The Speaker then presented Governor Jester who introduced Governor Sanchez to the Joint Session.

Governor Sanchez then addressed the Joint Session.

The Speaker then presented Representative A. J. Vale who introduced the following members of Governor Sanchez distinguished party to the Joint Session:

General Jesus Jamie Quinonez, General Neftali Gonzales Cantu, Congressman Federico Berrueto Ramon, Mr. Benjamin Franklin, Engineer, Dr. Virgilio Butron Vasquez, Mr. Efraim Dominguez, Mexican Consul in Austin, and Mr. George Acquirre, Chancellor of the Mexican Consulate.

Governor Jester then addressed the Joint Session briefly and extended an official invitation for Governor Sanchez and his distinguished party to again visit the State of Texas.

At the conclusion of the address by Governor Jester, the President announced the business of the Joint Session concluded and requested the Senate to retire to its chamber.

In The Senate

The President called the Senate to order at 11:35 o'clock a.m.

Senate Bill 443 on First Reading

Senator Vick moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which be explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Proffer
Corbin	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert

Absent

Cousins	Moore
Kelley of Hidalgo	Phillips
Kelly of Tarrant	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Vick:

S. B. No. 443, A bill to be entitled "An Act amending Section 1 of S. B. 84, Acts of the 49th Legislature, R. S., 1945, page 280, so as to provide for actual traveling expenses of County Commissioners while traveling within the County on official business, and not to exceed Six Hundred Dollars (\$600) per annum for each Commissioner; and declaring an emergency."

To Committee on State Affairs.

Resolution Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following resolution:

S. C. R. No. 39, Providing for a Joint Session to hear an address by Honorable Raul Lopez Sanchez, Governor of the State of Coahuila, on Monday, April 11, 1949.

Senate Concurrent Resolution 40

Senator Colson offered the following resolution:

S. C. R. No. 40, Granting K. C. Jones, Jr., permission to sue the State.

Whereas, On or about the 4th day of September, A. D., 1946, K. C. Jones, Jr., a minor, was working in Walker County, Texas, for the Sam Houston State Teachers College, and/or the State of Texas, as a common laborer, at the Country Campus, belonging to the Sam Houston State Teachers College and/or State of Texas, and while cutting underbrush at said Country Campus, there was a wasp nest full of live wasp in said underbrush, stinging the said K. C. Jones, Jr., on his body, and said K. C. Jones, Jr., while running from said wasp, fell into a hole in the ground, thereby fracturing his hip and pelvis bone, and at the time of said injury, the said K. C. Jones, Jr., was an employee, agent and servant of the Sam Houston State Teachers College, acting within the scope of his employment, and under the direct control, supervision and orders of the Sam Houston State Teachers College; and

Whereas, K. C. Jones, Sr., and wife, Lillie Jones, father and mother of K. C. Jones, Jr., and as next friends of K. C. Jones, Jr., a minor under twenty-one years of age, and the said K. C. Jones, Jr., has suffered damages as a result of said injuries sustained on or about the 4th day of September, 1946, and the said K. C. Jones, Sr., and wife, Lillie Jones, as next friends for K. C. Jones, Jr., a minor, desire to bring suit to recover for their damages to their son, K. C. Jones, Jr.; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the said K. C. Jones, Sr., and wife, Lillie Jones, father and mother of K. C. Jones, Jr., and as next friends of K. C. Jones, Jr., a minor, are hereby granted permission to bring suit in any Court of Walker County, Texas, having jurisdiction of the amount in controversy, against the State of Texas, and/or the Sam Houston State Teachers College, to determine whether the injuries sustained were due to the negligence of the employees of the State of Texas, and/or Sam Houston State Teachers College, while the said K. C. Jones, Jr., was employed as a laborer at the

Country Campus, belonging to the said Sam Houston State Teachers College, and/or the State of Texas and while the said K. C. Jones, Jr., was employed in the course and scope of his employment, and to determine the amount of damages, if any, occasioned by the injuries of said K. C. Jones, Jr., directly, and proximately resulting from such negligence of the Sam Houston State Teachers College, and/or State of Texas, or any of its employees, to K. C. Jones, Jr., and to recover judgment therefor; and, be it further

Resolved, That Service of Citation, and/or all other necessary processes, may be had upon the President of the Sam Houston State Teachers College, or the Attorney General, of the State of Texas, at Austin, Texas; that said suit be tried under the same rules of law, liability and evidence, and in like manner, as similar suits instituted against private corporations are tried. However, it is to be understood that the purpose of this resolution is to grant permission to K. C. Jones, Sr., and wife, Lillie Jones, individually and as next friends, for K. C. Jones, Jr., a minor, to bring suit against the State of Texas, and/or Sam Houston State Teachers College; and no admission of liability of the State is made by this resolution, and the facts as set out herein must be proved in Court; and, be it further

Resolved, That suit may be instituted upon such claim, at any time, within two years from and after the date of the passage and approval of this resolution.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

Senate Concurrent Resolution 41

Senator Bracewell offered the following resolution:

S. C. R. No. 41, Providing for acceptance by the State of a portrait of Ezekiel W. Cullen.

Whereas, Ezekiel W. Cullen was a member of the Third Congress of the Republic of Texas, and served with distinction during the administration of his good friend and associate, Mirabeau B. Lamar, President of the Republic of Texas; and

Whereas, Ezekiel W. Cullen was

Chairman of the important Committee on Education of the House of Representatives of the Third Congress, and manifest his interest in Education by introducing and sponsoring a bill which was enacted into law creating the foundation upon which the whole Educational System of the State of Texas is based; and

Whereas, The results of the statesmanship and courage of Ezekiel W. Cullen as a member of the Texas Congress, District Judge, and valiant soldier during the Texas Revolution, stand as a landmark in the history of this great State, the fruits of his labors having benefitted the citizens of Texas since the birth of the Republic; and

Whereas, His grandson, H. R. Cullen, of Houston, Harris County, Texas, a distinguished citizen and philanthropist, has generously offered to present to the State of Texas a portrait of his illustrious grandfather; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring that the portrait of Ezekiel W. Cullen be accepted by the State of Texas, and that the Board of Control be instructed to select a suitable place in the Capitol for such portrait to be hung.

The resolution was read.

On motion of Senator Bracewell and by unanimous consent, the resolution was considered immediately and was adopted.

Motion to Recommit Senate Bills 133 and 134 and House Bill 321

Senator Weinert moved that Senate Bills Nos. 133 and 134, and House Bill No. 321 be recommitted to the Committee on Finance.

Question—Shall the motion to recommit the bills prevail?

Recess

On motion of Senator Hazlewood the Senate at 12:25 o'clock p.m. took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 11, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bill and Resolutions:

H. C. R. No. 53, Granting C. T. Clantz permission to sue the State of Texas.

H. C. R. No. 68, Honoring the airmen who flew with Lieutenant Colonel James H. Doolittle in the bombing attack on Tokyo.

H. B. No. 482, A bill to be entitled "An Act providing for the establishment of a Medical Branch of the University of Texas in Temple or Bell County, Texas; authorizing and directing the Board of Regents of the University to acquire surplus federal property for said Medical Branch; authorizing the Board of Regents to contract with other agencies for hospital and other facilities needed for the proper conduct of the activities of said Medical Branch; appropriating for the remodeling of buildings acquired under provisions of this Act, a sum of \$50,000.00 (fifty thousand dollars) for the fiscal year ending August 31, 1950, and a like sum for the fiscal year ending August 31, 1951, from the General Revenue Fund of the State of Texas; appropriating for equipment, operation and maintenance of said Medical Branch, a sum of \$200,000.00 (two hundred thousand dollars) for the fiscal year ending August 31, 1950, and a like sum for the fiscal year ending August 31, 1951, from the General Revenue Fund of the State of Texas; empowering the Board of Regents of the University of Texas to supplement these appropriations from the Available Fund of the University of Texas, if necessary; authorizing and empowering the Board of Regents of the University of Texas to accept gifts, donations, and bequests to further the purposes of this Act; providing a savings clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bills 133 and 134 and House Bill 321 Recommitted

The Senate resumed consideration of pending business, same being the motion by Senator Weinert to recommit S. B. Nos. 133, 134 and H. B. No. 321 to the Committee on Finance.

Question—Shall the motion prevail?

(Senator Lock in the Chair.)

Motion to Recess

Senator Hazlewood moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—9

Aikin	Hazlewood
Ashley	Lane
Bell	Moore
Bracewell	Morris
Corbin	

Nays—22

Bullock	Martin
Carney	McDonald
Colson	Moffett
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	Weinert

Senator Aikin asked that the Journal show the subjects of the bills referred to in Senator Weinert's motion as well as their numbers and moved that both be shown.

Senator Harris raised the point of order that the request and motion were improper since the numbers only should be shown.

The Presiding officer (Senator Lock in the Chair), overruled the point of order.

Senator Weinert received permission to incorporate in his own motion to recommit the bills, a further provision that the captions of the bills be printed in the Journal.

Senator Hardeman moved to amend the motion so as to require that the

entire bills and not the captions only be printed in the Journal.

The motion was lost.

Senator Bell called for a division of the question as to recommitting the bills and printing the captions.

Motion to Adjourn

Senator Proffer moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Aikin	Hazlewood
Ashley	Lane
Bell	Moore
Bracewell	Morris
Corbin	Proffer

Nays—21

Bullock	Martin
Carney	McDonald
Colson	Moffett
Cousins	Phillips
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lock	

Senator Ashley called for a further division of the question by bills.

Questions then first recurring on the recommitting of S. B. No. 133, yeas and nays were demanded.

The bill was recommitted by the following vote:

Yeas—18

Bullock	Martin
Cousins	McDonald
Hardeman	Phillips
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Weinert

Nays—13

Aikin	Carney
Ashley	Colson
Bell	Bracewell

Corbin	Moore
Hazlewood	Morris
Kelley of Hidalgo	Proffer
Moffett	

Question next recurring on recommitting S. B. No. 134, yeas and nays were demanded.

The bill was recommitted by the following vote:

Yeas—17

Bracewell	Lock
Bullock	Phillips
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelly of Tarrant	Weinert
Lane	

Nays—14

Aikin	Kelley of Hidalgo
Ashley	Martin
Bell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Hazlewood	Proffer

Question next recurring on recommitting H. B. No. 321, yeas and nays were demanded.

The bill was recommitted by the following vote:

Yeas—16

Bullock	Lock
Cousins	Martin
Hardeman	Phillips
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Lane	Weinert

Nays—15

Aikin	Kelley of Hidalgo
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Colson	Proffer
Corbin	Vick
Hazlewood	

On motion of Senator Aikin and by unanimous consent, the part of Senator Weinert's motion calling for printing of the captions of the bills in the Journal was then withdrawn.

Motion to Recommit House Bill 320

Senator Martin moved to recommit H. B. No. 320 to the Committee on Finance.

The motion was lost by the following vote:

Yeas—13

Bullock	Martin
Hardeman	Morris
Harris	Strauss
Jones	Taylor
Kelly of Tarrant	Tynan
Lane	Weinert
Lock	

Nays—18

Aikin	Hudson
Ashley	Kelley of Hidalgo
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hazlewood	Vick

**House Bills and Resolution
on First Reading**

The following bills and resolution, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. C. R. No. 53, to Committee on Civil Jurisprudence.

H. B. No. 120, to Committee on State Affairs.

H. B. No. 147, to Committee on Education.

H. B. No. 114, to Committee on State Affairs.

H. B. No. 360, to Committee on State Affairs.

H. B. No. 353, to Committee on Civil Jurisprudence.

H. B. No. 342, to Committee on Counties and County Boundaries.

H. B. No. 350, to Committee on Civil Jurisprudence.

H. B. No. 341, to Committee on Counties and County Boundaries.

H. B. No. 335, to Committee on Counties and County Boundaries.

H. B. No. 315, to Committee on State Affairs.

H. B. No. 307, to Committee on Civil Jurisprudence.

H. B. No. 297, to Committee on Highways and Motor Traffic.

H. B. No. 239, to Committee on State Institutions and Departments.

H. B. No. 248, to Committee on Civil Jurisprudence.

H. B. No. 234, to Committee on Banking.

H. B. No. 229, to Committee on Civil Jurisprudence.

H. B. No. 211, to Committee on Towns and City Corporations.

H. B. No. 174, to Committee on Education.

H. B. No. 158, to Committee on Civil Jurisprudence.

H. B. No. 433, to Committee on Counties and County Boundaries.

H. B. No. 419, to Committee on Civil Jurisprudence.

H. B. No. 404, to Committee on Counties and County Boundaries.

H. B. No. 386, to Committee on Game and Fish.

H. B. No. 372, to Committee on Counties and County Boundaries.

H. B. No. 370, to Committee on State Institutions and Departments.

H. B. No. 590, to Committee on Counties and County Boundaries.

H. B. No. 509, to Committee on Civil Jurisprudence.

H. B. No. 476, to Committee on Towns and City Corporations.

H. B. No. 475, to Committee on Counties and County Boundaries.

H. B. No. 470, to Committee on Towns and City Corporations.

H. B. No. 468, to Committee on Counties and County Boundaries.

H. B. No. 462, to Committee on Towns and City Corporations.

H. B. No. 442, to Committee on Counties and County Boundaries.

H. B. No. 709, to Committee on Counties and County Boundaries.

H. B. No. 706, to Committee on Counties and County Boundaries.

H. B. No. 703, to Committee on Counties and County Boundaries.

H. B. No. 593, to Committee on Banking.

H. B. No. 610, to Committee on State Affairs.

H. B. No. 613, to Committee on Finance.

H. B. No. 699, to Committee on Civil Jurisprudence.

H. B. No. 482, to Committee on Finance.

Recess

Senator Vick moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Senator Moffett moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Senator Kelly of Tarrant moved that the Senate recess until 10:05 o'clock a.m. tomorrow.

Senator Hardeman moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Question first recurring on the motion of Senator Hardeman to adjourn until 10:30 o'clock a.m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Aikin	Hardeman
Ashley	Hazlewood
Bell	Lane
Bracewell	Vick

Nays—20

Bullock	McDonald
Colson	Moffett
Cousins	Morris
Harris	Phillips
Hudson	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lock	Tynan
Martin	Weinert

Absent

Carney	Moore
Corbin	

Question next recurring on the motion of Senator Kelly of Tarrant, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—20

Ashley	McDonald
Bracewell	Moffett
Bullock	Morris
Colson	Phillips
Cousins	Proffer
Harris	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Martin	Weinert

Nays—8

Aikin	Hudson
Bell	Jones
Hardeman	Lock
Hazlewood	Vick

Absent

Carney	Moore
Corbin	

The Senate, accordingly, at 5:45 o'clock p.m., took recess until 10:05 o'clock a.m. tomorrow.

In Memory of
Honorable Gus Russek

Senator Strauss offered the following resolution:

(Senate Resolution 110)

Whereas, On February 15, 1948, Almighty God in His Infinite Wisdom called from this life the Honorable Gus Russek, a former member of the Senate of Texas; and

Whereas, The Honorable Gus Russek was born at Schulenburg, Texas, in October of 1879, received his education in schools at Schulenburg, at A. & M. College at College Station and at St. Louis College at San Antonio; and

Whereas, He organized and for many years operated the First National Bank at Schulenburg and was the Commission Agent for the Texas Company; and

Whereas, He was a member of the Senate of Texas, representing the Fifteenth District from 1924 until 1932, where he served with honor and distinction to himself and in the rendering of outstanding service to the people of his district and the State of Texas; and

Whereas, He is survived by his widow, Mrs. Cora Kessler Russek of Schulenburg, one son, V. B. Russek of East Bernard, and one daughter, Mrs. Frank Merrem of Schulenburg, two sisters, Mrs. J. M. Garrett of Edna, Mrs. Isy Schwartz of Schulenburg, and one brother, Ernest Russek of Austin; and

Whereas, He was a member of the Hermann Sons Lodge, was a Mason and a Shriner; and

Whereas, He was an outstanding citizen, a fine public-spirited civic leader, a devoted public servant, a loving husband and father; and

Whereas, It is the desire of the Senate of the State of Texas to pay tribute to his memory; now, therefore, be it

Resolved, By the Senate of Texas, that we extend our sincere sympathy to the members of his family in their great loss; that a copy of this resolution be spread upon the page of the Journal; that copies of this resolution be sent to each member of his family; and that when the Senate adjourns today it do so in memory of former Senator, the Honorable Gus Russek of Schulenburg, Fayette County, Texas.

STRAUSS

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Bell, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.

In Memory of
Herman Diezi

The President laid before the Senate for consideration at this time the following resolution:

(House Concurrent Resolution No. 64)

Whereas, We are again reminded of the mysteries of life and the certainty of death in the passing of Herman Diezi, who died at his post of duty as the legislative chairman of the Texas Association of Fire Fighters, on April 4, 1949; and

Whereas, This noble person was born in Switzerland seventy-four years ago, came to America at an early age; joined the Houston Fire Department in 1911 and held every position in the department from pipeman to district chief; and

Whereas, Mr. Diezi was very active in labor organizations both local and in the State, being a charter member of Local 341, of the International Association of Fire Fighters; past president of the Fire Fighters' Association of Texas; and

Whereas, "Chief," as he was affectionately called by his legion of friends, was kind, courteous and considerate of every person's problems, especially was he sincerely concerned about the welfare of firemen and policemen and their families everywhere; and

Whereas, Chief Diezi is survived by his wife, Mrs. Herman Diezi of Brenham, Texas, and two sons, one of Chicago, Illinois, and another son of Dallas, Texas; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we express our deepest sympathy in the untimely death of this good man and that the Chief Clerk of the House of Representatives be authorized and directed to forward enrolled copies of this Resolution to members of the family; and, be it further

Resolved, That a page in the House Journal be dedicated to his memory, and that when the House adjourns today, it do so as a tribute to the life and good works of "Chief" Herman Diezi, truly a friend to man.

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Vick, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.